

REMARKS

Claims 1-3 are currently pending in this application. By the present amendment, claim 1 has been amended to incorporate claims 4 -6, and claims 4 - 6 have been canceled. Applicant submits that no new matter has been introduced into the application by these amendments.

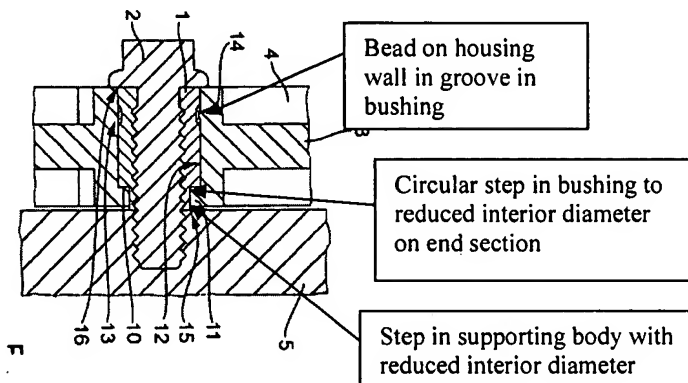
CLAIM REJECTIONS – 35 U.S.C. §103

In the Action, claims 1-6 were rejected under 35 U.S.C. §103 as unpatentable over the combination of U.S. 4,832,664 to Groger et al. in view of U.S. 6,036,613 to Diehm. Applicant respectfully traverses this rejection.

Claim 1 is directed to a tensioning or guide rail assembly which includes two metal bushings which are inserted into mounting holes of a plastic supporting body for a tensioning rail or a guiding rail of a chain drive of an internal combustion engine that is adapted to be mounted by screws extending through the bushings and axially contacting a motor housing. The bushings are identical and each comprise a rotationally symmetrical body and are inserted into the mounting holes of the supporting body with an end section of the bushings facing the motor being provided with a circular step for a transition to a reduced exterior diameter. The supporting body includes a step with a reduced interior diameter located in each of the mounting holes on a side of the supporting body facing the engine. The bushings are preassembled with the supporting body, with the circular steps of the bushings axially held to the steps in the supporting body. One of the mounting holes of the support body is a reference bore or a primary mounting hole, and the other mounting hole is formed as an oblong hole in the supporting body in addition to the reference bore. A bead is located on a wall region of the reference bore and of

the oblong bore, and is received in a circular groove located in an outer surface of each of the inserted bushings.

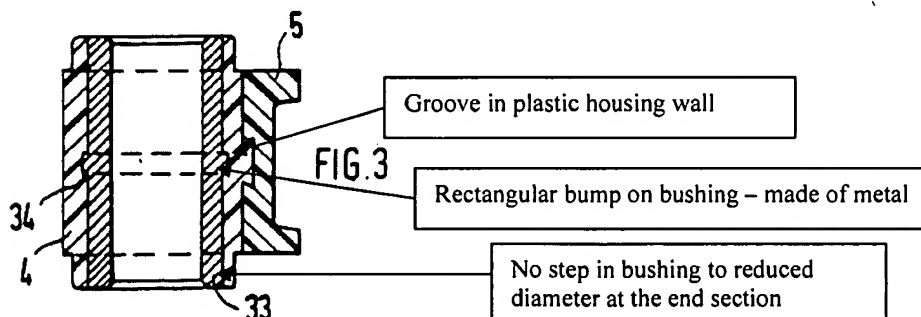
Figure 3 of the present application is reproduced below and the step and bead are indicated.



Groger et al. discloses a guide rail for chain drives which includes a generally constant diameter bushing (33) that is located in a plastic supporting body. However, it lacks the following:

- (1) Both a bead on the housing wall and a groove in the bushing, and a circular step at an end section facing the motor.
- (2) Two identical bushings.

Figure 3 of Groger et al is reproduced below.



The Action cites Groger et al. collar (34) as meeting the recitation of a bead on the housing wall and the groove in the bushing. However, it is clear that Groger et al. actually provides the "bead" on the bushing and "groove" in the housing wall. This fails to meet the claim requirements, and further would be problematic for assembly as the square cornered metal collar (34) would damage the plastic housing wall if it is or even can be pressed in, and it appears that it would be molded in place based on this configuration. In contrast, the present invention provides the bump on the plastic part, so that the bushing only has to deflect the small plastic bump as it is inserted after the housing is molded. This can not be properly categorized as a mere change in shape, as stated in the Action, as the present construction is made with a different – and in fact – opposite principle of operation in which only the bump on the inner bore of the plastic body is merely deflected for assembly rather than either molding in the bushing or requiring the entire circumferential inner sidewall of the bore in the housing to be deflected as the square-edged collar (34) is pressed into the smaller sized bore.

Additionally, the action improperly states that the collar (34) both defines the step in the bushing at the end section facing the motor and also is the bead/groove. These are two separate elements in the present arrangement, and provide different functions. The beads/grooves retain the bushings in the mounting holes, which allows pre-assembly of these parts prior to installation. This appears to be the function of the collar (34) cited as the bead/groove arrangement – which it appears to more closely relate to. However, the collar (34) cannot also be the step in the bushing. The function of the step in the bushing is to engage over the housing lip, allowing the bushing to be fixed to the engine block, while not applying pressure to the plastic housing so that it can rotate or pivot. The collar (34) of Groger et al. does not provide this function.

Groger et al. also fail to disclose two identical bushings which are inserted into mounting holes of the supported body. The action states that this is the "mere duplication of parts." However, this is not the case, and in fact, Groger et al. teach away from using two of the same bushings by providing two different bushings in a similar arrangement. *In re Harza*, 124 USPQ 378 (CCPA 1960) has been mis-cited. *In re Harza* involved a water stop having a "plurality of ribs" that were embedded in concrete with the ribs having an enlarged end so that they would not pull out as the concrete contracted during curing. The prior art in question provided a water stop with a single rib having an enlarged end for the same purpose, and the court found this to be a mere duplication of parts to provide a plurality of such ribs, where the parts performed the identical function. That court stated that there is "no patentable significance unless a new and unexpected result is produced."

In this case, the present invention provides two identical bushings where the prior art, such as Groger et al., believed that two different types of bushings were necessary based on the two different functions. The present invention uses two identical bushings to perform two different functions. The first bushing/primary hole arrangement acts as a pivot, and the second bushing/oblong hole acts as a movement restraint. The prior art teaches that two different types of bushings are required for this in a tensioning or guide rail arrangement. It was unexpected and new to be able to achieve these two different functions with a single type of bushing. Further, the use of a single bushing type reduces inventory costs.

Diehm fails to remedy these deficiencies in Groger et al. and is only relied upon for showing a bolt (29) extending through the bushing to axially connect the tensioning or guide rail assembly to the engine.

Neither of the cited references suggest or disclose the invention as recited in claim 1 or provide the advantage of using identical bushings for fixed and/or pivotal

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support of a tensioning or guide rail. Accordingly, withdrawal of the Section 103 rejection of claim 1 is respectfully requested.

Claims 2 and 3 depend from claim 1 and are similarly patentable for the reasons noted above in connection with claim 1.

CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-3, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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